IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PIL WRIT PETITION NO.2613 OF 2005

Madhukar Ganpatrao Talwadekar .. Petitioner.

V/s.

State of Maharashtra & Others .. Respondents.

Mr.M.G. Talwadekar, petitioner-in-person.

Ms.Mugdha Jadhav, AGP for respondent Nos.1 to 4.

Mr.H. Toor i/b. M/s.Crawford Bayley & Co. for respondent No.5.

CORAM : R.M. LODHA &
NARESH H. PATIL, JJ.

DATED : 20TH JULY, 2006.

P.C. :

We heard Mr.M.G. Talwadekar, petitioner-in-person and Mr.H. Toor, advocate for respondent No.5.

2. The grievance of the petitioner in the writ petition is that the respondent No.5 Brihan Mumbai Electric Supply and Transport Undertaking (for short 'BEST') is charging excessive fare from the passengers which is not in conformity with the approved tariff by the Regional Transport Authority and that the BEST is also not following the notification issued by the State Government on September 1, 1989 which provides the schedule for charging mininum and maximum fare.

3. The respondent No.5 has placed on record the minutes of 82nd meeting of the Regional Transport Authority, Mumbai held on January 24, 2005 dealing with the subject of approval of proposal for revision of bus fares of the stage carriage buses. The said resolution reads thus :

> "Brihan Mumbai Electric Supply and Transport Undertaking (BEST) has submitted the proposal for approving revision of Ordinary, Limited and Air conditioned fares of stage carriage buses operated by Brihan Mumbai Electric Supply and Transport Undertaking (BEST).
>
> The Regional Transport Authority discussed in detail the proposal submitted by the BEST, and on examination of the proposed fare structure, it was observed that the proposed fares are within the maximum limits of the Notification no.MVA.0692/1831/CR-57/TR-2 issued by the Government of Maharashtra on 4th July, 1994. The Regional Authority has noted that the proposed fare revision has been approved by B.E.S. & T. Committee vide Resolution no.351 dated 13/12/04, and by Brihan Mumbai Municipal Corporation vide Resolution no.1071 dated 24/01/05.
>
> During the discussion the queries were replied by Assistant General Manager of BEST. He informed that the said proposal for the increase in fares have been made in order to reduce the losses due to increase in prices of fuel and petroleum products and to make available funds for the proposed new schemes.
>
> After discussions, the fare stages of Ordinary, Limited and Air-Conditioned services enclosed in the proposal were approved and accordingly the increase in fares was approved to be implemented with immediate effect as per the request of Assistant General Manager. The fare structure by the BEST Administration is also approved."

4. From the perusal of the aforesaid resolution, it

would be clear that the Regional Transport Authority has approved the fare structure submitted by the BEST and has found the said fare structure in conformity with the Government notification.

5. No further order needs to be passed by this Court.

6. The Public Interest Litigation is disposed of accordingly.

(R.M. LODHA, J.)

(NARESH H. PATIL, J.)